

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 8, 13, 14, 16, 22, and 23 are currently pending in this application. Claim 8 is amended.

Request for Withdrawal of the Finality of the Office Action

Withdrawal of the finality of the outstanding Office Action is respectfully requested as a Request for Continued Examination (RCE) pursuant to 37 C.F.R. §1.114 is filed along with this Reply.

Claim Rejections - 35 USC §103

Claims 8, 14, 16 and 22-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,149,524 to Reynolds (hereinafter “Reynolds”) in view of U.S. Patent No. 6,693,912 to Wang (hereinafter “Wang”).

Claim 8 recites a processor in a WTRU configured to determine whether the predetermined QoS requirements are satisfied and to select a second type of wireless communication system to handover to in response to a negative determination, and to handover to the second type of wireless communication system. Claim 8 also recites a translator configured to translate quality of service requirements of the first type of wireless communication system to quality of service requirements of the second type of wireless communication system; wherein the

application established in the first type of wireless communication system using the predetermined QoS requirements is continued in the second type of wireless communication system using the translated quality of service requirements.

Regarding claim 8, Reynolds discloses a method for controlling handover that takes into account user requirements, preferences, and network policy. A handover manager receives a handover trigger, and possible handovers that meet a system requirement are identified, tested against network policy, and selected for handover. The handover manager is an independent entity in the network and not part of the mobile station. In contrast, in claim 8, a processor in the WTRU determines whether the predetermined QoS requirements are satisfied and selects and hands over to a second type of wireless communication system. Further, Reynolds is silent as to a translator configured to translate QoS requirements of the first type of wireless communication system to QoS requirements of the second type of wireless communication system; wherein the application established in the first type of wireless communication system using the predetermined QoS requirements is continued in the second type of wireless communication system using the translated quality of service requirements, as is recited in claim 8.

Regarding claim 8, Wang discloses a method in which QoS in one network is mapped to QoS in another network by execution of a program included in an active packet, which is sent from one network to another. Specifically, an active gateway

performs QoS mapping by using active packets that are transmitted when a connection is set up (see column 3, lines 14-17 of Wang). QoS management operations are managed in accordance with requirements and mapping methods programmed into active packets (see column 3, lines 39-41 of Wang). A program encapsulated in an active packet is transmitted from an exit node of one system to an entry node of another system to send QoS information, in which the connection may traverse several wired networks. In contrast, claim 8 recites a translator in the WTRU configured to translate QoS requirements of the first type of wireless communication system to QoS requirements of the second type of wireless communication system. Wang does not disclose a translator in the WTRU configured to translate QoS requirements, as is recited in claim 8, but actually teaches away from claim 8 by using a program in an active packet sent away from the end-user node over a wired network to a gateway where the program is executed and QoS management operations are performed. Further, Wang does not disclose a processor in the WTRU configured to determine whether the predetermined QoS requirements are satisfied and to select and handover to a second type of wireless communication system in response to a negative determination.

The Examiner argues that it would be obvious to combine Reynolds and Wang. Applicants respectfully disagree. As discussed above, neither Reynolds nor Wang independently disclose claim 8. Further, there is no motivation to combine

the teachings of Reynolds and Wang. First, neither reference discusses that the determination of whether handover should be performed occurs in the WTRU. Second, neither reference discusses translating QoS requirements in the WTRU. Third, Reynolds discusses a wireless network, but Wang does not discuss a wireless network but only a wired network or local area network. Therefore, Applicants respectfully submit that neither Reynolds nor Wang, either alone or in combination, teach or suggest the elements of claim 8.

Independent claim 22 recites similar elements of independent claim 8 and Applicants believe this claim is allowable over the cited references of record for the same reasons provided above.

Claims 14, 16 and 23 are dependent upon claims 8 and 22, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds in view of Wang, as applied to claim 9 above, and further in view of U.S. Patent No. 7,206,324 to Persson et al. (hereinafter "Persson"). As described above, Reynolds and Wang fails to render obvious independent claims 8 and 22. Additionally, Persson fails to cure the defects of Reynolds and Wang. Claim 13 is dependent upon claim 9 and independent claim 8, and the Applicants believe this

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claim is allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. §103 rejection of claims 8, 13, 14, 16, 22 and 23 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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